

TITLE 11
DEPARTMENT OF HEALTH
CHAPTER 68
LITTER CONTROL

§11-68-1 Purpose

§11-68-2 Definitions

§11-68-3 Prohibited acts

§11-68-4 Responsibilities of owners and lessees of real property

§11-68-5 Responsibility to procure, place, service and maintain litter receptacles

§11-68-6 Minimum number of litter receptacles required

§11-68-7 Design and construction requirements

§11-68-8 Anti-litter symbol

§11-68-9 Penalties

§11-68-10 Severability

Historical Note: Chapter 68 of Title 11, Administrative Rules, is based substantially on Public Health Regulations Chapter 51, Litter Control, Department of Health, State of Hawaii. [Eff 12/30/78; R NOV 06 1981]

§11-68-1 Purpose.

This chapter seeks to reduce littering in Hawaii by: setting minimum requirements for the number of litter receptacles for various places of public use; establishing requirements for the design, construction and maintenance of litter receptacles; determining the responsibility of maintenance and procurement of litter receptacles; clarifying the prohibitions on littering; and determining the responsibility of owners and lessees of real property to maintain frontage in a litter free state. [Eff NOV 06 1981] (Auth: HRS §339-2) (Imp: HRS §339-2)

§11-68-2 Definitions.

As used in this chapter:

"Department" means the department of health of the State of Hawaii.

"Director" means the director of the department of health.

"Litter" means all rubbish, refuse, waste material, garbage, trash, offal, or any debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.

"Litter bag" means a bag, sack, or other container which is large enough to serve as a receptacle for litter.

"Litter receptacle" means a covered plastic or metal container of no less than fifteen gallons and no more than thirty-five gallons capacity, or other appropriate container, made available for the depositing of wastes.

"Lookout" means any roadside area set aside for scenic viewing by the respective owner or governmental agency having jurisdiction.

"Mobile food vendor" means a vehicle designed and constructed to transport food whether prepared

within the vehicle or elsewhere, and from which food is sold to the general public for immediate consumption at a public place.

"Other appropriate container" means any uncovered container lined with a receptacle liner which is regularly serviced; any container with a capacity of more than thirty- five gallons which is lined with a receptacle liner; or any other container approved in writing by the department.

"Pedestrian exit" means any exit opening to a sidewalk, walkway, hall way, corridor, or other pedestrian passage.

"Person" means any individual, partnership, firm, association, public or private corporation, the State or any of its political subdivisions, trust estate or any other legal entity.

"Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

"Receptacle liner" means a leak proof bag, which is large enough to serve as an insert for a litter receptacle, can be sealed by tie wire or other means, and is strong enough to prevent breakage. during servicing of the litter receptacle.

"Shopping center" means a group of four or more contiguous stores that maintain a common parking lot for patrons of those stores.

"Shopping mall" means an outdoor area for pedestrians which is closed to vehicular traffic and is surrounded by eight or more stores.

"Store frontage" means that portion or side of a building on which the main entrance or main entrances are located.

"Take-out restaurant" means a restaurant which features window service for take-out orders whether consumed on or off the premises. [Eff NOV 06 1981] (Auth: HRS §339-2) (Imp: HRS §339-2)

§11-68-3 Prohibited acts.

Prohibited acts are set forth in section 339-4, HRS. [Eff NOV 06 1981]] (Auth: HRS §§339-2, 339-4) (Imp: HRS §§339-2, 339-4)

§11-68-4 Responsibilities of owners and lessees of real property.

The responsibilities of owners and lessees of real property are set forth in section 339-5, HRS. Eff NOV 06 1981] (Auth: HRS §§339-2, 339-5) (Imp: HRS §§339-2, 339-5)

§11-68-5 Responsibility to procure, place, service, and maintain litter receptacles.

(a) Any person owning, operating, or having jurisdiction over any public place as specified in §11-68-6, shall procure, place, service, and maintain litter receptacles at their own expense on the premises in accordance with this chapter. Any person owning, operating, or having jurisdiction of a bus system shall procure, service, and maintain litter receptacles required at bus stops. For school bus loading zones located at schools, the person owning, operating, or having jurisdiction over the school shall procure, service, and maintain litter receptacles at the loading zones.

(b) The specific placement of litter receptacles within the area deemed to require such receptacles shall be left to the discretion of the owner or operator of the public place provided that such litter receptacles do not constitute a hazard or impede the traffic of pedestrians or vehicles.

(c) A litter receptacle shall be deemed properly serviced as long as litter may be deposited in the litter receptacle without overflow, no disagreeable odor is generated by the contents of said receptacle, and

the area surrounding the receptacles is kept litter-free.

(d) Litter receptacles shall be maintained in a condition sufficient to allow their proper usage, and shall be kept in a slightly condition. [Eff NOV 6 1981] (Auth: HRS §§339-2, 339-6) (Imp: HRS §§339-2, 339-6)

§11-68-6 Minimum number of litter receptacles required.

(a) All official bus stops, beach stops, bus shelters, and major transfer points designated by the respective county agency having jurisdiction shall each have a minimum of one litter receptacle.

(b) Take-out restaurants shall have not less than two litter receptacles plus one litter receptacle for every service window. Parking lots at take-out restaurants shall conform to the requirements of outdoor parking lots in part (i) of this section.

(c) Drive-in theaters shall have two litter receptacles per exit. These litter receptacles shall be placed as to be easily accessible to exiting motorists.

(d) Fairgrounds and sites for carnivals, festivals, circuses, shows, concerts, or events of any kind to which the public is invited shall have one litter receptacle at the entrance to each ride, one litter receptacle at each booth dispensing food or drinks, one litter receptacle at the end of each walk through exhibit building or tent, and two litter receptacles at each exit of the event site.

(e) Gasoline service stations shall have one litter receptacle for each gasoline pump island block. An uncovered container of not less than fifteen gallons and not more than thirty-five gallons capacity which is not lined with a receptacle liner is permissible, provided that 'it is used primarily for service island refuse.

(f) Boat fueling docks shall have one litter receptacle at each such area.

(g) Lookouts along public highways shall each have a minimum of one litter receptacle for the first one hundred feet plus one litter receptacle for each additional fifty feet or portion thereof of restraining wall or fence. These must be easily accessible and visible to the motorist.

(h) Mobile food vendors shall each have one litter receptacle for use by its patrons.

(i) Outdoor parking lots shall each have one litter receptacle for the first fifty stalls, and one litter receptacle for every additional two hundred stalls or portion thereof. This requirement shall not apply to employee parking lots, parking lots with less than 10 parking stalls, and other parking lots that are not held out for public use.

(j) Parking structures shall each have one litter --. receptacle at each stairway, elevator, and other pedestrian exit per floor. If the stairway, elevator, or other pedestrian exit are located within fifty feet of each other, one litter receptacle shall meet the requirements of this section.

(k) Parks, playgrounds and beaches.

(1) One litter receptacle in every pavilion.

(2) One litter receptacle outside each restroom structure.

(3) One litter receptacle per picnic area.

(4) One litter receptacle for every two outdoor basketball, volleyball, or tennis courts, or combination thereof.

(5) One litter receptacle per 120 bleacher-type seats or one litter receptacle per bleacher section whichever requires the lesser number of litter receptacles.

(6) One litter receptacle per each softball or baseball backstop.

(7) One litter receptacle outside each major entrance to a gymnasium or swimming pool area.

(l) Public school athletic areas shall conform to the requirements of §11-68-6(k) above, public school parking lots shall conform to the requirements of §11-68-6(i) above, and public school bus loading zones located at public schools shall each have one litter receptacle.

(m) Shopping centers and shopping malls shall each have one receptacle for every two hundred feet or fraction thereof of store frontage. Shopping center parking lots, shall conform to the requirements of §11-68-6(i). [Eff NOV 6 1981] (Auth: HRS §§339-2, 339-6) (Imp: HRS §§339-2, 339-6)

§11-68-7 Design and construction requirements.

(a) Litter receptacles shall be constructed of metal or other material of sufficient strength to reasonably resist corrosion and acts of vandalism.

(b) A litter receptacle shall have a cover unless the litter receptacle is lined with a receptacle liner which is regularly removed and replaced. A cover means that portion of the container above the useful capacity of the container used to protect the contents from the effects of wind, rain, and other transport agents, which encloses at least two sides and the top of the container or the equivalent thereof.

(c) The department encourages the use of the official anti-litter symbol on a visible part of the litter receptacle. The symbol shall not be distorted and shall not be incorporated into a commercial advertisement on the litter receptacle. The symbol may be of one color that is appropriate to the design of the litter receptacle.

(d) Litter receptacles shall conform to all applicable laws, ordinances, and regulations pertaining to public health and safety. [Eff NOV 6 1981] (Auth: HRS §339-2) (Imp: HRS §§339-2, 339-6)

§11-68-8 Anti-litter symbol.

(a) The official State anti-litter symbol shall be as depicted in the exhibit entitled "Official State Anti-Litter Symbol" dated November 15, 1978 located at the end of this chapter.

(b) The symbol shall be placed with the letter "S" located at the base.

(c) The official colors of the symbol shall conform to the following specifications:

(1) The background shall be white.

(2) The lettering, leaves, and branches shall be colored green conforming with federal color standard number 595a, color number 14090.

(3) The hand shall be colored brown conforming with federal color standard number 595a, color number 10075. [Eff NOV 6 1981] (Auth: HRS §§339-2, 339-3) (Imp: HRS §§339-2, 339-3)

§11-68-9 Penalties.

The penalties for violating any provision of this chapter are set forth in section 339-8 Hawaii Revised Statutes. [Eff NOV 6 1981] (Auth: HRS §339-2) (Imp: HRS §339-2)

§11-68-10 Severability.

If any provisions of this chapter; or the application of any provision of this chapter to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter shall not be affected thereby. [Eff NOV 6 1981] (Auth: HRS §339-2) (Imp: HRS §339-2)